

**BOARD OF COUNTY COMMISSIONERS**  
**Agenda Item Summary**

**Meeting Date**      February 19, 2003      **Division**      **County Attorney**

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**AGENDA ITEM WORDING**

Resolution approving the attached interlocal agreement with Islamorada, Village of Islands concerning the collection and use of library impact fees.

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**ITEM BACKGROUND**

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**PREVIOUS RELEVANT BOCC ACTION**

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**CONTRACT/AGREEMENT CHANGES**

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**STAFF RECOMMENDATIONS**

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**TOTAL COST**

**BUDGETED**    Yes    No

**COST TO COUNTY**

**SOURCE OF FUNDS**

**APPROVED BY:**    County Attorney ☒    OMB/Purchasing ☐    Risk Management ☐

**DIVISION DIRECTOR APPROVAL:**

  
JOHN R. COLLINS

**DOCUMENTATION:**

Included ☐

To Follow ☐

Not Required ☐

**AGENDA ITEM #** \_\_\_\_\_

53

RESOLUTION NO.                      -2003

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA APPROVING AN INTERLOCAL AGREEMENT WITH ISLAMORADA, VILLAGE OF ISLANDS, REGARDING LIBRARY IMPACT FEES.

WHEREAS, the attached interlocal agreement provides for the collection and use of library impact fees which require the cooperative efforts of Islamorada, Village of Islands (Village) and Monroe County (County); and

WHEREAS, the agreement will provide for additional funds for the capital improvement of the Monroe County library in the Village; now, therefore

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA that the attached interlocal agreement is hereby approved and the Mayor is authorized to execute the same on behalf of the County.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 19th day of February, 2003.

Mayor Spehar  
Mayor Pro Tem Nelson  
Commissioner McCoy  
Commissioner Neugent  
Commissioner Rice

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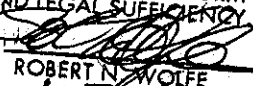
(SEAL)  
Attest: DANNY L. KOLHAGE, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

By \_\_\_\_\_  
Deputy Clerk

By \_\_\_\_\_  
Mayor/Chairperson

jresVOIlibrary

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY  
BY   
ROBERT N. WOLFE  
DATE 1-30-03

**RESOLUTION NO. 02-12-77**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING AN INTERLOCAL AGREEMENT BETWEEN MONROE COUNTY, FLORIDA, AND ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the attached Interlocal Agreement (the "Agreement") provides for the collection and use of library impact fees requiring the cooperative efforts of Islamorada, Village of Islands, Florida (the "Village") and Monroe County, Florida (the "County"); and

WHEREAS, the Village Council finds that approval of said Agreement is in the best interest of the Village.

**NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:**

Section 1. That the Agreement between the Village and the County, in substantial conformity to the instrument attached as Exhibit "A," is approved. The Village Manager and Village Attorney are authorized to finalize the terms and conditions of the Agreement and take all steps necessary to carry out all actions and transactions contemplated by this Agreement. The Mayor is authorized to execute said Agreement on behalf of the Village.

**CERTIFIED COPY OF ORIGINAL**  
*Beverly Raddatz*  
**BEVERLY RADDATZ, VILLAGE CLERK**

Section 2. This Resolution shall become effective immediately upon its adoption.

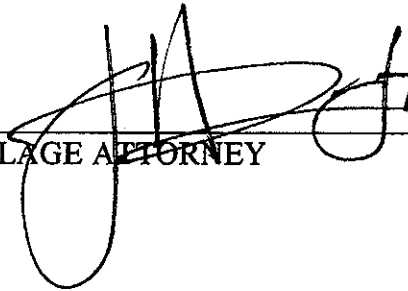
PASSED AND ADOPTED this 12<sup>th</sup> day of December, 2002

  
\_\_\_\_\_  
MARK GREGG, MAYOR

ATTEST:

  
\_\_\_\_\_  
VILLAGE CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
VILLAGE ATTORNEY

## **LIBRARY IMPACT FEE INTERLOCAL AGREEMENT**

### **Islamorada, Village of Islands**

This Interlocal agreement for the collection and distribution of impact fees is entered into by and between Monroe County (County), a political subdivision of the State of Florida, and Islamorada, Village of Islands (Village), a municipal corporation, under the authority granted in Sec. 163.01, F.S. The parties hereby covenant and agree as follows:

1. As authorized by Art. 8, Sec. 1(f), Fla. Const., the County and the Village agree that the library fees imposed by Sec. 9.5-493, Monroe County Code, apply within the Village and are not in conflict with any municipal ordinance.

2. a) Any person, including any government agency, initiating new residential development within the Village, that will require new library public facility demands must pay the applicable fair share library impact fees (hereafter the impact fees) due as set forth in Sec. 9.5-493, Monroe County Code. For the purposes of Sec. 9.5-493, Monroe County Code, the parties agree residential unit means a dwelling unit that is designed for, and capable of, serving as a residence for a full housekeeping unit and which includes a kitchen composed of at least a refrigerator and stove.

b) The Village must collect the library impact fees due under Sec. 9.5-493, Monroe County Code, and subsection 2 a) of this agreement from any person initiating new residential development within the Village before issuing a certificate of occupancy for such development, unless such person or the proposed development is exempt from the imposition of impact fees under Sec. 9.5-493, Monroe County Code.

c) All impact fees collected by the Village must be properly identified and as such promptly transferred to the Village Finance Director. The Village shall establish an appropriate accounting mechanism to ensure that the library impact fees collected are earmarked for the purposes established by this agreement. The library impact fee accounting must restrict the proceeds for use exclusively for the capital expansion of the County's library located within and serving the Village, which is within the Middle Keys impact fee subdistrict depicted in Chap. 9.5, Exhibit A, Monroe County Code.

3. At the end of each calendar quarter, the Village must promptly pay the County the library impact fees collected within the Village. The County may only expend the Village collected library impact fees for the library capital expansion as authorized by Sec. 9.5-493, Monroe County Code, in the County library located within and serving the Village, which is within the Middle Keys impact fee subdistrict described in Chap. 9.5, Exhibit A, Monroe County Code. The Village may retain five percent (5%) of all fees collected, as an administrative charge.

4. The Village and County further agree and covenant:

a) That the library impact fees collected in the Village pursuant to this interlocal agreement will be expended according to the capital facilities element of the Village's comprehensive plan or the County's comprehensive land use plan, as appropriate;

b) That all library impact fees collected in the Village pursuant to this interlocal agreement will be expended by the County in manner consistent with Contractors and Builders Association of Pinellas County v. Village of Dunedin, 329 So. 2d 314 (Fla. 1976); and Home Builders and Contractors' Association of Palm Beach County v. Board of County Commissioners of Palm Beach County, 46 So. 2d 140 (Fla. App. 4<sup>th</sup> DDA 1983); and

c) That accurate records and accounts of the receipt and expenditure of such fees will be kept by the Village and County according to generally accepted government accounting principles, and made available to representatives of the other party upon request.

5. This interlocal agreement supersedes and replaces any and all prior interlocal agreement or understandings between the parties concerning library impact fees.

6. This interlocal agreement will take effect when a certified copy is filed with the Clerk of the Circuit Court for Monroe County and the Clerk of the Village.

DATED this 9<sup>th</sup> day of January, 2003.

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

By \_\_\_\_\_  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

By \_\_\_\_\_  
Mayor/Chairman

(SEAL)

ATTEST: BEVERLY RADDATZ, CLERK

By Beverly Raddatz  
Village Clerk

ISLAMORADA, VILLAGE OF  
ISLANDS

By [Signature]  
Mayor